

Supp
Notice of Allowability

Application No.

10/655,112

Examiner

Victor K. Hwang

Applicant(s)

CHERMACK, DARREN P.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondance between 2/14/06 and 3/3/06.
2. ☒ The allowed claim(s) is/are 1,5 and 7-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060303.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other email 2/15/06 to 3/3/06.

Primary

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an email exchange with Darren Chermack on March 3, 2006.

2. The application has been amended as follows:

In the Specification:

- A) Page 1, before the recitation "REFERENCES" insert
-- CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of U.S. Provisional Application No. 60/413,259, filed September 25, 2002.--

- B) Pages 1-2, delete the recitations beginning with "REFERENCES" and everything following that and including the first line of page 2.

- C) Page 13, line 6, delete the bracket "[".

In the Claims:

Amend the claims as follows and add new claims 14-24:

1. (Currently Amended) A weight lifting system comprising:

- a) a ~~[[A]]~~ weight unit comprising ~~consisting~~ of a plurality of weights with each of said weights formed of a pair of upstanding plates and at least one bar, or similar connecting device, that connects each pair of plates;
- b) a ~~[[A]]~~ handle having opposing ends;
- c) extendable ~~Extendable~~ elements which protrude from each end of the handle;
- d) means ~~Means~~ for simultaneously extending and retracting the extendable elements to engage the weights, which include a means to allow travel to the full limit of the extendable elements;
- e) a ~~[[A]]~~ visual indicator indicating the amount of weight selected;
- f) said ~~Wherein the~~ handle comprises:
 - (i) a grip having two ends,
 - (ii) each end having an endplate permanently attached, and
 - (iii) a channel or channels in the grip in which the extendable elements may be extended from or retracted into;

wherein the grip has a gripping surface configured to be grasped by a user, the grip containing two channels therein, each channel housing one of said extendable elements, each said extendable element comprising a rod movably disposed within a respective channel of the grip;

wherein said means for simultaneously extending the extendable elements to engage the weight comprises means for selectively advancing the rods out of opposing ends of the grip such that the rods selectively pass through apertures in first and second ends of the weights, and the gripping surface having no obstruction to grasping by a user; and

wherein said rods comprise first and second rods having teeth formed along a length thereof, the first rod moveable by a gear connected to a selection knob, the teeth of the first rod engaging a pinion gear, and the pinion gear engaging the teeth of the second rod to move the second rod.

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Original) A system as recited in claim 1 [[2]], further comprising means for selectively advancing the rods in desired increments out of opposing ends of the handle, or retracting the rods in desired increments into the opposing ends of the handle by means of a gear or other reduction transmission.

6. (Canceled)

7. (Original) A system as recited in claim 1 ~~[[2]]~~, further comprising of incremental locks that stop the extendable elements at desired positions and limit their movement.

8. (Currently Amended) A system as recited in claim 1, comprising a weight stack ~~consisting of a~~ comprising said plurality of weights, each weight comprising first and second ~~consisting of two~~ upstanding weight plates connected by two bars, wherein the bars connect first and second weight plates on either side of the handle; wherein connecting bars couple the first upstanding plate and the second upstanding plate allowing the handle to rest within; wherein ~~each unit in the plurality~~ a relatively larger weight allows ~~[[the]]~~ a relatively smaller weight ~~[[unit]]~~ to nest within it, and the handle to nest within the smallest weight ~~[[unit]]~~; wherein a plurality of bars that connect the first and second weight plates ~~[[ends]]~~ of each weight ~~[[units]]~~ are stacked one beneath the other, each being an integral part of the nested stack; and lending support of all bars above them when the handle is in use; and wherein each of the first and second weight plates has an aperture extending therethrough.

9. (Currently Amended) A system as recited in claim 8, wherein the ends of the handle have surfaces which are parallel to ~~[[the]]~~ end surfaces of the weight.

10. (Currently Amended) A system as recited in claim 8, wherein the upstanding plates are angled away from each other slightly, making ~~[[the]]~~ a top opening larger than the bottom.

11. (Original) A system as recited in claim 8, wherein the upstanding plates are shaped to include an angle on each side causing their edges to not be parallel with one another, as to allow the top width to be wider than the bottom.

12. (Currently Amended) A system as recited in claim 8, wherein the ends of ~~[[the]]~~ a first weight have surfaces which mate with corresponding end surfaces of ~~[[the]]~~ a second weight.

13. (Currently Amended) A weight lifting system as recited in claim 1, ~~wherein further comprising of a device containing:~~

there is adequate space to allow room for both hands on one handle while maintaining industry standard grip dimensions;

there is simplicity in operation simultaneously with traditional dumbbell shape and configuration; access to the handle from the bottom as easily as from the top; and

means ~~[[that]]~~ to restrict accidental movement of the extendable rods, making it ~~impossible~~ unlikely for any weight to become disengaged from the handle mechanism unless user intervention commands it and the entire unit is safely sitting on a solid surface.

14. (New) A weight lifting device comprising:

a handle unit comprising a pair of endplates with a grip therebetween;

said grip having a substantially obstruction free grip surface between said pair of endplates for grasping by a user, and at least one channel therein;

a pair of extendable rods moveable within said at least one channel of said grip;

each extendable rod having teeth along a portion thereof;

said handle unit further comprises a selection knob operatively connected to a drive gear, said drive gear engaging the teeth of a first one of said pair of extendable rods;

said teeth of said first extendable rod also engaging a pinion gear, said pinion gear engaging the teeth of a second one of said pair of said pair of extendable rods;

a plurality of weights, each weight comprising first and second weight plates joined by at least one connecting rod, and each weight plate having an aperture aligned with said at least one channel to selectively receive one of said pair of extendable rods, wherein said handle unit can be centrally positioned between said pairs of weight plates and rotation of the selection knob rotates the drive gear and moves the first extendable rod into or out of engagement with the first weight plates of a selected number of weights via the aperture in each respective first weight plate, and the movement of the first extendable rod rotates the pinion gear and moves the second extendable rod, in a direction opposite to movement of the first extendable rod, into or out of engagement with the second weight plates of the selected number of weights via the aperture in each respective second weight plate.

15. (New) The weight lifting device of claim 14, wherein said at least one channel comprises first and second channels.

16. (New) The weight lifting device of claim 14, wherein said selection knob is located on one of said pair of end plates of said handle unit.

17. (New) The weight lifting device of claim 16, further comprising:

a drive axle mounted between said selection knob and said drive gear.

18. (New) The weight lifting device of claim 17, further comprising:

a dial gear mounted on said drive axle between said selection knob and said drive gear; and

an indicator dial operatively connected to said dial gear, wherein said indicator dial provides a user with an indication of the number of weights selected by the selection knob.

19. (New) The weight lifting device of claim 18, further comprising:

a ball and dimple engagement to provide a selected positioning of said extendable rods.

20. (New) The weight lifting device of claim 14, wherein said plurality of weights comprising nesting weights, wherein a relatively smaller weight is nested within a relatively larger weight and said handle unit is nested within a smallest one of said plurality of weights.

21. (New) The weight lifting device of claim 20, wherein said at least one connecting rod comprises first and second connecting rods joining first and second weight plates of each respective weight.

22. (New) The weight lifting device of claim 20, wherein said first and second weight plates of each respective weight have inner and outer surfaces, the inner and outer surfaces of the first weight plate being non-parallel to the inner and outer surfaces of the second weight plate, such that the first and second weight plates are angled toward one another from a top of the weight toward a bottom of the weight.

23. (New) The weight lifting device of claim 20, wherein said first and second weight plates of each respective weight have side surfaces that are angled inwardly from a top of the weight to a bottom of the weight.

24. (New) The weight lifting device of claim 14, further comprising:

a drive axle mounted between said selection knob and said drive gear;

a dial gear mounted on said drive axle between said selection knob and said drive gear;

a ball and dimple engagement to provide a selected positioning of said extendable rods;

an indicator dial operatively connected to said dial gear;

wherein said indicator dial provides a user with an indication of the number of weights selected by the selection knob; wherein said selection knob is located on one of said pair of end plates of said handle unit, and wherein said at least one channel comprises first and second channels;

wherein said plurality of weights comprise nesting weights, wherein a relatively smaller weight is nested within a relatively larger weight and said handle unit is nested within a smallest one of said plurality of weights;

wherein said at least one connecting rod comprises first and second connecting rods joining first and second weight plates of each respective weight;

wherein said first and second weight plates of each respective weight have inner and outer surfaces, the inner and outer surfaces of the first weight plate being non-parallel to the inner and outer surfaces of the second weight plate, such that the first and second weight plates are angled toward one another from a top of the weight toward a bottom of the weight; and

wherein said first and second weight plates of each respective weight have side surfaces that are angled inwardly from the top of the weight to the bottom of the weight.

3. The following is an examiner's statement of reasons for allowance: in addition to the reasons for allowance previously stated in the prior Office action and pertaining to claims 4 and 6, the prior art does not disclose or make obvious a weight lifting device comprising the elements as claimed wherein the handle unit further includes a selection knob operatively connected to a drive gear, the drive gear engaging the teeth of a first of a pair of extendable rods, the teeth of the

first rod also engaging a pinion gear, the pinion gear engaging the teeth of the second rod, and the grip having a substantially obstruction free grip surface between the endplates.

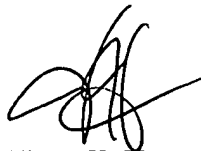
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
March 3, 2006

